

New Castle County, Delaware

Attachment 1

Narrative

On September 14, 2020, Mr. Seligman communicated with New Castle County POTW Program (NCC) for an OfCM activity. On September 14, 2020, Mr. Seligman received documents requested for the evaluation, but due to scheduled problems, the post document review was scheduled for October. On October 20th, 2020, after reviewing all the documents submitted as part of the subject source, Mr. Seligman conducted a virtual site visit starting at 2:30 p.m. Mr. Seligman identified himself to Mr. Mike Harris and Ms. Amber Moore and restated the purpose of this OfCM, to review NCC's Industrial Wastewater Pretreatment Program.

Mr. Seligman asked for an overview of the entire wastewater collection and treatment system located within NCC. Mr. Harris and Ms. Moore explained there are three collection systems. One system conveys sanitary sewer to the POTW located in Middletown, Delaware. Mr. Harris stated no industrial wastewater is conveyed to Middletown POTW. Mr. Harris and Ms. Moore stated there are two other collections systems. One collection system collects sanitary and industrial wastewater and conveys it to the Christina Force Main. Wastewater flow is pushed from the Christina Force Main to the City of Wilmington POTW. The second collection system collects sanitary and industrial wastewater and conveys it to the Edge Moore Force Main. Wastewater flow is pushed from the Edgemore Force Main to the City of Wilmington POTW. Mr. Harris and Ms. Moore stated various Industrial Users (IUs) are located within each of the two collections systems conveying flow to the City of Wilmington POTW.

Mr. Seligman asked how NCC monitors their Categorical Industrial Users. Mr. Harris and Ms. Moore explained the following: NCC conducts one unannounced inspection per year. Samples and lab results determine compliance. The sample analysis is done in-house by a Mr. Vincent Disciullo, except for the following pollutant types: organics and heavy metals. Mr. Harris and Ms. Moore stated sample analysis for organic and heavy metals are done at CORP Environmental with copies of the results sent to the permittees.

Mr. Seligman asked how NCC monitors their Significant Non-Categorical Users. Mr. Harris and Ms. Moore stated NCC conducts one unannounced inspection per year and similar procedures as described for the Categorical Industrial Users.

Mr. Seligman asked Mr. Harris and Ms. Moore how often the IUs take samples and send the results to NCC. Mr. Harris stated as required in their permits.

Mr. Seligman asked about the Airport Road Pumping Station. Based on documents provided by New Castle and conversations with representatives, several waste haulers have been hauling wastes and discharging them into the Airport Road Pumping Station. Mr. Harris and Ms. Moore stated they were told by City of Wilmington officials this was causing operational issues at the City of Wilmington's POTW. Mr. Seligman asked if NCC has issued IU permits to the sources of the wastewater, and Part 38 permits for the haulers. Mr. Harris stated yes. Mr.

Seligman asked Mr. Harris and Ms. Moore if they have a breakdown of the wastes being discharged into the Airport Road Pumping Station. Mr. Harris stated it is a requirement for each of the haulers to supply the information. Mr. Seligman asked Mr. Harris for copies of all the permits issued in the last five years to the IUs generating the waste, the haulers, an itemized list of what each hauler discharged into the Airport Road Pumping Station and copies of all lab sample analysis results supplied by the IUs, haulers, and samples taken by NCC to ensure the wastes were in compliance with the permits issued by NCC. Mr. Harris stated NCC takes random samples and only when needed. Mr. Seligman asked how often and on what basis does NCC decide to take random samples. Mr. Harris replied, "as needed."

Mr. Harris stated a civil agreement is in place between New Castle County and City of Wilmington that addresses how the two entities will work together to address issues. Mr. Seligman asked if he was referring to a service agreement. Mr. Harris states yes that is part of it and there is an additional agreement. Mr. Seligman asked for copies of all these agreements. Mr. Harris stated the latter of the agreement are in e-mail discussions and meeting notes.

Mr. Harris stated there have been some problems with wastes being discharged into the Airport Road Pumping Station. The latest being from one of the chicken waste haulers in 2019 from Denali. Denali hauled and dumped wastes that included grease, chicken parts and other process wastes that, according to Mr. Harris, were not allowed to be discharged into the pump station. Mr. Harris stated some enforcement actions were undertaken against Denali. Mr. Harris stated the enforcement action collected money to pay for corrective actions and stated the monies collected were not for assessment of enforcement penalties. Mr. Harris stated that NCC e-mailed the City of Wilmington stating they have stopped taking wastes from certain haulers. Mr. Seligman stated he read in some documents records of waste continually being discharged to the City of Wilmington from some of these same haulers in 2020. Mr. Seligman asked if the haulers were prohibited or if certain wastes were prohibited. Mr. Harris said he wasn't sure.

Mr. Seligman asked Mr. Harris how the enforcement plan is implemented. Mr. Harris stated any enforcement documents below an Administrative Order are issued by him; Any Administrative Order or higher-type document is processed by the New Castle County Solicitor.

Mr. Seligman requested copies of all the enforcements related to the Denali issue as well and penalty verification as discussed above.

Mr. Seligman thanked Mr. Harris and Ms. Moore for their time. Mr. Harris asked for the name of the attorney working on this project. Mr. Seligman stated to Mr. Harris "to my knowledge no attorney has been assigned to this site visit as this is a routine matter." Mr. Harris agreed to send Mr. Seligman the information requested by November 20, 2020. The OfCM ended at 4:15 pm.

The information was supplied but EPA could not get access to it due to technology issues. EPA was able to get access and download the information by December 10, 2020. There are e-mails and discussions regarding the agreements between NCC and City of Wilmington which Mr. Seligman has yet to receive. Mr. Harris stated on December 10, 2020, he would supply them by the beginning of January 2021.

Documents Reviewed

1. NPDES Permit
2. Annual Pretreatment Report 2019
3. Enforcement Response Plan, 2012
4. Annual Sample Analysis Results, 2019
5. Annual Sample Analysis Results Effluent 2019
6. Annual COW Pretreatment Report with Appendices, 2019
7. Airport Road Five Year Disposal Data Files
8. IU inspection Reports New Castle County Files
9. Cover letter
10. DENALI Enforcement Documents
11. Lab Sample Results taken by NCC
12. Map of all the IUs in New Castle County's Collection Systems
13. NCC Issued Pretreatment Permits
14. City of Wilmington Sewer Agreements
15. Waste Hauler Permits and Special Approvals Files
16. Waste Hauler Random Sampling Files